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Of Proposed Attorneys for Debtor-in-Possession

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF OREGON

In re:

ERIC L. SILVA,

Debtor.

Case No. 19-34037-pcm12

DEBTOR'S MOTION FOR EXPEDITED
HEARING ON FIRST DAY MOTIONS

Expedited Hearing Requested

The Debtor Eric L. Silva ("Debtor"), as debtor- in-possession, hereby requests that the Court schedule and conduct an expedited hearing on the following motions:

- a) Emergency Motion for Interim and Final Orders Authorizing Use of Cash Collateral (the "Cash Collateral Motion"); and
- b) Debtor's Motion for Order Authorizing Payment of Prepetition Payroll, Payroll Taxes and Workers' Compensation Premiums.

In support of this request, the Debtor relies on the Declaration of Eric Silva in Support of the First Day Motions filed contemporaneously herewith and represent:

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1. Time is of the essence with respect to the Debtor's need for the relief requested in the motions identified above. Each of the motions addresses an issue that is time sensitive. The relief requested in these motions (i) is necessary to enable the Debtor to continue the operation of his business in an orderly manner and to fund its immediate cash needs, (ii) constitutes a critical element to achieving a successful outcome to this Chapter 12 case for creditors and other parties, and (iii) best serves the interests of the estate.

2. The relief sought by these motions is necessary to avoid immediate and irreparable harm to the estate. Specifically, the Debtor needs to use cash collateral to feed his 800 dairy cattle and to pay his employees to continue to care for his cattle. If the cattle are not cared for and fed, their physical wellbeing will suffer and their milk output will be reduced.

3. The Court should schedule an expedited hearing on these motions as soon as its calendar will reasonably permit. Although the Debtor's most urgent need is for authority to use cash collateral on an interim basis, the Debtor requests that all of these motions be heard and considered at the same time.

4. Debtor also requests that the final hearing on the Cash Collateral Motion be scheduled at the Preliminary Hearing.

5. Rule 2002 of the Federal Rules of Bankruptcy Procedure provides for twenty-one (21) days' notice to parties in interest for most motions and applications filed with a bankruptcy court. Bankruptcy Rule 9006(c) provides, however, that the Court may use its discretion to shorten the notice period for cause, with or without notice.

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6. Debtor's counsel has discussed the substance of this motion with counsel for Key Bank, the only creditor with an interest in the Debtor's cash collateral. At the time of the conversation, Key Bank did not take a position on the substance of this Motion or the underlying First Day motions.

DATED: November 5, 2019

MOTSCHENBACHER & BLATTNER LLP

By: /s/Nicholas J. Henderson

Nicholas J. Henderson, OSB #074027

Troy G. Sexton, OSB #115184

Of Proposed Attorneys for Debtor-in-Possession

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **DEBTOR'S REQUEST FOR EXPEDITED HEARING ON FIRST DAY MOTIONS** was served by electronic notice through the Bankruptcy Court's ECF system on all parties receiving electronic notice. Service was made on Key Bank NA's attorneys by email to Alex Poust at apoust@schwabe.com and to Craig G. Russilo at crussillo@schwabe.com.

DATED: November 5, 2019

MOTSCHENBACHER & BLATTNER, LLP

By: /s/ Nicholas J. Henderson

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